

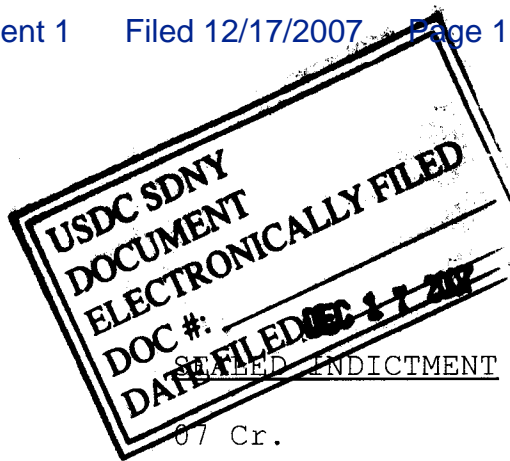
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

RUBEN GIL,  
a/k/a "Gavilan,"  
a/k/a "Padrino," and  
MARTIN NELSON GARCIA,

Defendants.



07 Cr.  
**07 CRIM1169**

COUNT ONE

The Grand Jury charges:

1. From approximately in or about 2005, up to and including at least in or about November 2007, in the Southern District of New York and elsewhere, RUBEN GIL, a/k/a "Gavilan," a/k/a "Padrino," and MARTIN NELSON GARCIA, the defendants, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that RUBEN GIL, a/k/a "Gavilan," a/k/a "Padrino," and MARTIN NELSON GARCIA, the defendants, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, five kilograms and more of mixtures and substances containing a detectable amount of cocaine, in

violation of Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A).

Overt Acts

3. In furtherance of said conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. In or about June 2006, MARTIN NELSON GARCIA, the defendant, arranged for a delivery of approximately 22 kilograms of cocaine to the New York metropolitan area;

b. In or about November 2007, RUBEN GIL, a/k/a "Gavilan," a/k/a "Padrino," arranged for a delivery of approximately 11 kilograms of cocaine to the New York metropolitan area.

(Title 21, United States Code, Section 846.)

**FORFEITURE ALLEGATION**

4. As a result of committing the controlled substance offense alleged in Count One of this Indictment, RUBEN GIL, a/k/a "Gavilan," a/k/a "Padrino," and MARTIN NELSON GARCIA, the defendants, shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the said defendants obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to

facilitate the commission of the violation alleged in Count One of this Indictment, including but not limited to a sum in United States currency representing the amount of all proceeds obtained as a result of the controlled substance offense alleged in Count One of the Indictment, for which the defendants are jointly and severally liable.

Substitute Asset Provision

5. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

(1) cannot be located upon the exercise of due diligence;

(2) has been transferred or sold to or deposited with, a third party;

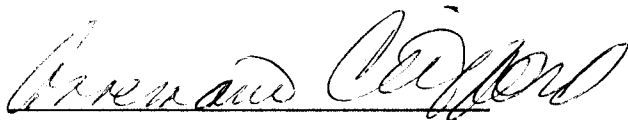
(3) has been placed beyond the jurisdiction of the court;

(4) has been substantially diminished in value; or

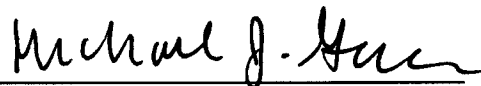
(5) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any property of the defendants up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 846 and 853.)

A handwritten signature in cursive script, appearing to read "Foreman and [illegible]", written over a horizontal line.

FOREPERSON

A handwritten signature in cursive script, appearing to read "Michael J. Garcia", written over a horizontal line.

MICHAEL J. GARCIA  
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

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RUBEN GIL,  
MARTIN NELSON GARCIA,

Defendants.

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INDICTMENT

07 Cr. \_\_\_\_\_

(Title 21, United States Code,  
Section 846)

MICHAEL J. GARCIA  
United States Attorney.

A TRUE BILL

  
Foreperson.

12/21/07  
12/17/07  
Filed Incl  
Elb, J.